



United States  
Department of  
Agriculture

Farmers  
Home  
Administration

Washington  
D.C.  
20250

FmHA AN No. 2782 (1955)  
April 1, 1993

SUBJECT: Describing Easement Areas on Farmers Home  
Administration Inventory Farm Property  
Protected by Deed Restrictions

TO: State Directors, District Directors and  
County Supervisors

ATTN: State Environmental Coordinators and  
Farmer Programs Chiefs

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to provide clarification to the field offices on acceptable methods to use when describing easement areas on inventory farm properties. The intended outcome is allow FmHA to properly and legally describe easement areas to be protected with deed restrictions.

COMPARISON WITH PREVIOUS AN:

There have been no previous AN's issued on this subject.

IMPLEMENTATION RESPONSIBILITIES:

After the State Director makes the final determinations on the establishment of the easement(s) on an inventory farm property, FmHA is responsible for obtaining either a professional survey or another legally permissible description of the easement area which will be restricted. The U.S. Fish and Wildlife Service (FWS) or other agency recommending the easement will assist in this task by flagging easement boundaries.

FmHA will provide professional surveys or descriptions of easement areas, in terms clear and understandable to the landowner, so that boundaries can be determined with certainty and precision and the easement manager can enforce the easement terms and restrictions. Although the regulations mention the use of surveys in describing easement areas, surveys are not meant to be the exclusive method of establishing such descriptions. Professional surveys should be utilized whenever possible and

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FILING INSTRUCTION:  
Preceding  
FmHA Instruction 1955-C

certainly when legally required. In certain limited instances, however, FmHA may utilize other legally permissible methods to describe an easement area.

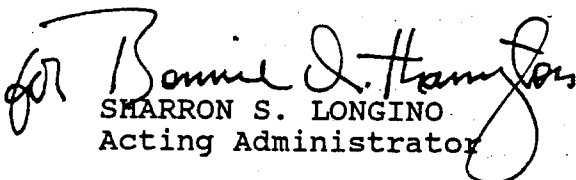
If professional surveys are used, the appropriate FmHA officials should work closely with officials of the agency requesting the easement to ensure that the survey is sufficient. The contractor performing the survey service should be informed of any special requirements so that a quality survey can be prepared, in order to avoid any time delays.

However, some State and/or local governmental bodies may allow the recording of easement documents which describe easement areas by methods other than surveys. If this is the case, FmHA should consider such methods in order to reduce excessive surveying costs and save contracting funds, especially in those instances in which the cost of the professional survey would exceed the market value of the easement area. FmHA officials should consult with the Regional Office of the General Counsel before making a final decision on the type of description method to use. Acceptable description methods may include plat maps drawn to scale, the rectangular survey system, the Government survey system, or the lot and block system. A description method using metes and bounds is not acceptable, unless the survey cost would exceed the value of the easement area.

FmHA officials should familiarize themselves with their State and local requirements and procedures for filing descriptions of land areas with legal conveyance documents. We should also continue to consult with the agencies requesting the easement and rely on them for technical support in fulfilling the duty of providing protection for easement areas.

If you have any questions, please contact James P. Fortner of the Farmer Programs Loan Servicing and Property Management Division, at FTS (202) 720-1976.

ANY REVISION OR MODIFICATION TO THIS AND THAT YOU WISH TO PUBLISH AS A STATE DIRECTIVE MUST BE SUBMITTED AND APPROVED BY THE ASSISTANT ADMINISTRATOR OF FARMER PROGRAMS BEFORE IT IS RELEASED FOR IMPLEMENTATION IN YOUR STATE. THE ONLY EXCEPTION TO THIS REQUIREMENT IS WHEN THE REVISION OR MODIFICATION IS NECESSARY FOR COMPLIANCE WITH STATE LAW.

  
SHARRON S. LONGINO  
Acting Administrator

Sent by Electronic Mail at 7:12am on 4/7/93 by GSS.  
The State Director should advise other personnel as appropriate.